

1 JEFFREY BOSSERT CLARK
Acting Assistant Attorney General
2 MARCIA BERMAN
Assistant Director, Federal Programs Branch
3 KATHRYN L. WYER (Utah Bar No. 9846)
4 M. ANDREW ZEE (California Bar No. 272510)
U.S. Department of Justice
5 Civil Division, Federal Programs Branch
6 1100 L Street, NW
Tel. (202) 616-8475
7 kathryn.wyer@usdoj.gov
8 *Attorneys for Defendants*

9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
11 **OAKLAND DIVISION**

12 ELOY ORTIZ OAKLEY, et. al.,
13
14 Plaintiff,
15 v.
16 BETSY DEVOS, et al.,
17
18 Defendants.

Case No. 4:20-cv-3215-YGR

ADMINISTRATIVE RECORD INDEX

Administrative Record Index

Education Provisions of the CARES Act, Pub.L. 116-136.....	ED _ 000001
8 USC §1611.....	ED _ 000071
U.S. Department of Education, “Eligibility of Students at Institutions of Higher Education for Funds Under the Coronavirus Aid, Relief, and Economic Security (CARES) Act, 85 <i>Fed. Reg.</i> 36493-36504 (June 17, 2020)	ED _ 000074
U.S. Department of Education CARES Act: Higher Education Emergency Relief Fund Website as of August 2, 2020	ED _ 000090
Letter from Secretary of Education Betsy DeVos to College and University Presidents, dated April 9, 2020	ED _ 000099
Methodology for Calculating Allocations per Section 18004(a)(1) of the CARES Act	ED _ 000101
Recipient’s Funding Certification and Agreement. Emergency Financial Aid Grants to Students under the Coronavirus Aid, Relief, and Economic Security (CARES) Act.....	ED _ 000103
Higher Education Emergency Relief Fund Frequently Asked Questions about the Emergency Financial Aid Grants to Students under Section 18004 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act	ED _ 000106
U.S. Department of Education, Office of Postsecondary Education, “UPDATED Guidance for interruptions of study related to Coronavirus (COVID-19).....	ED _ 000111
U.S. Department of Education, Press Office, “Secretary DeVos Rapidly Delivers More Than \$6 Billion in Emergency Cash Grants for College Students Impacted by Coronavirus Outbreak, dated April 9, 2020	ED _ 000125
U.S. Department of Education Dear Colleague Letter GEN-15-08, “Citizenship and Immigration Status Documentation”, dated April 30, 2015	ED _ 000127
U. S. Department of Education, Student Financial Aid Handbook, Chapter 2, “U.S. Citizenship & Eligible Noncitizens.....	ED _ 000132

1	National Center for Education Statistics, Table 311.15, “Number and percentage of students	
2	enrolled in degree-granting postsecondary institutions, by distance education participation,	
3	location of student, level of enrollment, and control and level of institution: Fall 2017 and fall	
4	2018”ED _ 000160	
5	ICES, IPEDS Data Explorer, 2017-2018, “Twelve-Month full-time equivalent enrollment at Title	
6	IV institutions by student level and institution sectorED _ 000162	
7	U.S. Bureau of Labor Statistics, Occupational Employment and Wages, May 2019, “Sales and	
8	Related Workers, All Others”ED _ 000164	
9	U.S. Bureau of Labor Statistics, Occupational Outlook Handbook, Management, Postsecondary	
10	Education AdministratorsED _ 000173	
11	Owen, Laura and Westlund, Erik (2016) "Increasing College Opportunity: School Counselors	
12	and FAFSA Completion," <i>Journal of College Access</i> : Vol. 2: Iss. 1, Article 3.	
13ED _ 000175	
14	<i>Chevron USA, Inc. v. Natural Resources Defense Council, Inc.</i> 467 US 837 (1984).	
15ED _ 000198	
16	<i>Food and Drug Admin. V. Brown & Williamson Tobacco Corp.</i> 529 US 120 (2000)	
17ED _ 000213	
18	<i>Griffin v. Oceanic Contractors, Inc.</i> , 458 US 564 (1982)ED _ 000246	
19	<i>Hall v. US</i> , 566 US 506 (2012).....ED _ 000259	
20	<i>Powerex Corp. v. Reliant Energy Services, Inc.</i> , 551 US 224 (2007)ED _ 000276	
21	<i>United Savings Assoc. of Texas v. Timbers of Inwood Forest Assocs., Ltd.</i> , 484 US 365 (1988)	
22ED _ 000288	
23	Mike Baker, <i>Feds Suspect Vast Fraud Network Is Targeting U.S. Unemployment Systems</i> , New	
24	York Times, www.nytimes.com/2020/05/16/us/coronavirus-unemployment-fraud-secret-	
25	service-washington.htmlED _ 000297	